

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SUZANNA BOWLING, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

JOHNSON & JOHNSON and
McNEIL NUTRITIONALS, LLC,

Defendants.

CASE NO. 1:17-cv-03982

Oral Argument Requested

**NOTICE OF DEFENDANTS' MOTION TO DISMISS OR, IN THE
ALTERNATIVE, TO STRIKE PORTIONS OF PLAINTIFF'S COMPLAINT**

NOTICE IS HEREBY GIVEN that Defendants McNeil Nutritionals, LLC and Johnson & Johnson (collectively, "Defendants") will move this Court before the Honorable Alison J. Nathan, at the United States District Courthouse for the Southern District of New York, on a date and time to be designated by the Court, for an order dismissing Plaintiff's Complaint in its entirety under Federal Rule of Civil Procedure 12(b)(6) because her claims are expressly and impliedly preempted. Alternatively, Defendants will, and hereby do, move for an order striking Plaintiff's nationwide class action allegations (Compl., Doc. 1 ¶ 35) under Federal Rule of Civil Procedure 12(f).

This Motion is based on this Notice of Motion; Memorandum of Law; the pleadings and papers on file; and upon such other matters as may be presented to the Court at the time of hearing.

Dated: July 21, 2017

Respectfully submitted,

/s/ Katherine A. Garceau
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 21, 2017, a copy of the foregoing was filed electronically via the Court's CM/ECF system, which will have sent notice to the attorneys of record in this matter.

/s/ Katherine A. Garceau
Katherine A. Garceau